



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 08-12

March 27, 2009

Petition by Verizon New England Inc. for Amendment of the Cable Division's Form 500  
"Cable Operator's Annual Report of Consumer Complaints"

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### REQUEST FOR COMMENT & NOTICE OF PUBLIC HEARING

The Massachusetts Department of Telecommunications and Cable ("Department") is seeking comment on a request by Verizon New England Inc. ("Verizon") to amend Form 500 to eliminate the requirement that cable licensees report their total number of subscribers.

Additionally, the Department will hold a public hearing to investigate this issue. This notice is to explain the issue and to seek comment from interested parties as well as to provide notice of the public hearing.

On August 22, 2008, Verizon submitted a petition to eliminate the Form 500 requirement that cable operators report the total number of their subscribers. Petition of Verizon New England Inc. for Amendment of the Cable Division's Form 500 "Cable Operator's Annual Report of Consumer Complaints" at 1 ("Petition"). Under G. L. c. 166A, § 10, cable licensees must annually report to the Department "the complaints of subscribers received during the reporting period and the manner in which they have been met, including the time required to make any necessary repairs or adjustments." The Department adopted Form 500 for cable

licensees' use in fulfilling this reporting requirement. *See Order Adopting Revised Form 500*, Dept. of Telecom. & Energy (June 11, 1999), *available at* <http://www.mass.gov/Eoca/docs/dte/catv/500adopt.pdf>. Form 500 requires that cable licensees provide the number of complaints they receive, the average resolution time, and the manner of resolution for such complaints by municipality. *See* Form 500, Cable Operator's Annual Report of Consumer Complaints ("Form 500"). Additionally, Form 500 requires that cable licensees provide their total number of subscribers by municipality. *See* Form 500. Verizon submits that G. L. c. 166A does not authorize the Department to require cable licensees to provide their total numbers of subscribers. *See* Petition at 9-11. In the alternative, Verizon argues that based on policy considerations, the Department should not require disclosure of subscribership information on Form 500. *See* Petition at 13-16.

On January 30, 2009, Verizon filed a motion for protective treatment requesting that the Department temporarily withhold from public disclosure the number of their FiOS TV service subscribers provided on the Form 500 Annual Reports pending resolution of the instant proceeding. Verizon's Motion for Protective Treatment Pending Outcome of Docket DTC 08-12 at 1. Additionally, on March 13, 2009, Verizon filed a motion for protective treatment requesting that the Department temporarily withhold from public disclosure the amount of their state CATV license fee pending resolution of the instant petition. Verizon's Motion for Protective Treatment Pending Outcome of Docket DTC 08-12 at 1. As the state CATV license fee is a per-subscriber fee, disclosure of the amount of that fee would effectively disclose the number of Verizon's subscribers. *Id.*

If the Department grants the relief requested by Verizon and amends Form 500 to no longer require disclosure of total subscribers, this amendment will apply to all cable licensees.

Parties wishing to comment on this matter may submit their comments in writing or electronically to:

Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
Two South Station, 4<sup>th</sup> Floor  
Boston, MA 02110  
617-305-3580  
[catrice.williams@state.ma.us](mailto:catrice.williams@state.ma.us)

Initial comments must be received by 5:00 P.M. on May 1, 2009. Reply comments must be received by 5:00 P.M. on May 12, 2009. For questions relating to this matter, please contact Kerri DeYoung at (617) 368-1141 or at [Kerri.DeYoung@state.ma.us](mailto:Kerri.DeYoung@state.ma.us). Verizon's Petition is available for public inspection at the Department and can be viewed on the Department's web page under "Hot Topics." Please be sure to reference "Verizon's Form 500 Amendment Petition" in the subject line of all submissions to the Department on this matter. In addition, please contact Catrice Williams to be included on the service list for this matter.

This proceeding has been docketed as D.T.C. 08-12 and is a formal adjudicatory proceeding conducted under G. L. 30A and 220 C.M.R. § 1.00 *et seq.* of the Standard Adjudicatory Rules of Practice and Procedure.

The public hearing will take place at:

10:00 A.M.  
Friday, May 15, 2009  
Department of Telecommunications and Cable  
One South Station  
Hearing Room B  
Boston, MA 02110

If necessary, immediately following the public hearing, the Department will conduct a procedural conference to establish any additional process necessary for investigating this matter.

Any person who desires to participate in this proceeding must file a written petition for leave to intervene or to participate with:

Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
Two South Station, 4<sup>th</sup> Floor  
Boston, MA 02110  
617-305-3580  
[catrice.williams@state.ma.us](mailto:catrice.williams@state.ma.us)

Petitions for leave to intervene or to participate must be filed by 5:00 P.M. on May 1, 2009. Such petitions must satisfy the substantive requirements of 220 C.M.R. § 1.03. If possible, petitioners should submit the petitions to the Department in electronic format by e-mail attachment to [dtc.efiling@state.ma.us](mailto:dtc.efiling@state.ma.us). The text of the e-mails or written petitions must specify: (1) the name of petitioner; (2) the docket number; (3) the name of the person submitting the filing; (4) that person's title, if any; and (5) a brief descriptive title of the document (e.g., petition to intervene or participate). The petitions should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.